

Law No. (22) of 1963
amending certain provisions of the Code of Criminal Procedure (1)

We, Idris I, King of the Kingdom of Libya

Upon the approval of the Senate and House of Representatives, hereby ratify and enact the following Law:

Article (1)

Articles (2) *bis*, (141), (352), (369), (452), and (455) of the Code of Criminal Procedure shall be amended as follows:

Article (2) *bis*

Without prejudice to Articles (1) and (2), certain policemen may be delegated to perform investigations and file and prosecute public proceedings on misdemeanours and petty violations. In remote areas, such assignment may include vesting the assigned policemen with the authority to investigate felonies, which shall be transferred to the Public Prosecution for action thereon.

Delegations shall be made by decree from the Prosecutor-General after approval by the Ministers of Justice and Interior. Delegated policemen shall be subordinate to the Prosecutor-General and subject to his supervision and direction.

Article (141)

Appeals shall be filed by a report at the court registrar of the investigating magistrate within three days from the issue date of the order, notification, or service, as the case may be.

For the Prosecutor-General, the appeal deadline shall be fifteen days.

Article (352)

A copy of the ruling against a person accused *in absentia* shall be posted with the sentence on the court's notice board, and, at the request of the Public Prosecution, a description of the charge and the text of the ruling shall be published in the Official Gazette of the Kingdom of Libya or in two local newspapers.

Article (369)

Appeals shall be filed pursuant to a report with the registrar of the court that issued the ruling or before the prison officer, within ten days from the date of a ruling read out *in presentia* or a ruling issued on an objection, by the deadline provided for objection to an *in absentia* ruling, or from the date of a decision nullifying a ruling.

The Prosecutor-General may appeal within thirty days from the date a ruling is issued, and may file the appeal at the registrar of the court holding jurisdiction to hear the appeal.

Article (452)

Release Orders

a. Conditional release shall take place pursuant to an order issued by the Prosecutor-General, at the request of the General Director of Prisons.

b. Orders for conditional release shall state the restrictions the released person must observe with regard to place of residence and lifestyle. The released person shall be placed under probation for a period equal to the remaining portion of their sentence, provided that this does

not exceed five years. This probation shall be calculated from the compulsory probation period based on the ruling. However, the Prosecutor-General may reduce the probation period or exempt the convicted person entirely, at the request of the Chief Prosecutor. Such request must state the grounds for the reduction or exemption.

Article (455)

Revocation of Release

a. Conditional release shall be revoked pursuant to an order from the Prosecutor-General, at the request of the Chief Prosecutor, if the released violates the terms of their release, does not perform the obligations imposed on them, or commits a deliberate felony or misdemeanour. Such persons shall be returned to prison to serve the remainder of their sentence as of the date of their release. In this case, they shall not be entitled to conditional release again.

b. If it is decided to revoke release, the Chief Prosecutor may order that the released person be arrested and imprisoned until the Prosecutor-General issues their decision with regard thereto. The period of imprisonment may not exceed fifteen days. If release is revoked, the period spent in detention shall be deducted from the period to be enforced after revocation of release.

Article (2)

Without prejudice to the provisions of this Law, the expressions "Justice Administration, Justice Administrator, Interior Administrator, competent administrator, and Chief Prosecutor of the Province," wherever found in the aforementioned Code of Criminal Procedure, shall be replaced with the expressions "Ministry of Justice, Minister of Justice, Minister of Interior, competent minister, and Chief Prosecutor," respectively.

Article (3)

The Minister of Justice shall implement this Law, and it shall come into force on the date of its publication in the Official Gazette.

King Idris – Libya

**Issued in Tripoli on 18 Rajab 1383 AH
Corresponding to 3 December 1963**

By order of the King

**(Omar Mahmud al-Muntasir)
Minister of Justice**

**(Mohieddin Fikini)
Prime Minister**